

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOSHUA LEE SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 7:22-cv-00238
	)	
TWIN COUNTY REGIONAL	)	
HEALTHCARE, et al.,	)	
	)	
Defendants.	)	

**MOTION TO DISMISS ON BEHALF OF**  
**DEFENDANTS CARROLL COUNTY SHERIFF'S OFFICE DEPUTIES MUSSER,**  
**MABRY AND HORTON**

Defendants Carroll County Sheriff's Office Deputies Keith A. Musser, Christopher R. Mabry, and Anthony G. Horton (collectively, "CCSO Deputies"), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, move this Court to dismiss all claims of the Amended Complaint except for the Second, Eighth, and Ninth claims against them on the basis that the Plaintiff's claims fail as a matter of law for the reasons stated in the accompanying memorandum.

Accordingly, the Defendants request that the Court dismiss all claims of the Amended Complaint except the Second (substantive due process), Eighth (battery), and Ninth (assault) claims, and for such other and further relief as the nature of this case requires and this Court deems appropriate.

CARROLL COUNTY SHERIFF'S OFFICE  
DEPUTIES KEITH A. MUSSER, CHRISTOPHER  
R. MABRY, AND ANTHONY G. HORTON

By: /s/ Julian F. Harf  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September, 2022, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to

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